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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/706,614

11/12/2003

Bernd Glunk

1-73810

5863

27377 7590 02/07/2007  
MACMILLAN, SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA-FIFTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604

EXAMINER

LEE, EDMUND H

ART UNIT

PAPER NUMBER

1732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/706,614

Applicant(s)

GLUNK ET AL.

Examiner

EDMUND H. LEE

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-5, 7-12,20-29 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7-12,20,22-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 7, 8, 9, 10, 11, 12, 20, 22, 23, 26, and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagayama et al (USPN 5854149). Nagayama et al teach the claimed process as evidenced at col 1, lns 10-15; col 3, lns 25-30; col 4, lns 58-65; col 6, lns 35-45; col 10, lns 42-55; col 12, lns 58-col 15, ln 30; col 18, lns 43-52; col 22, lns 41-62; col 24, lns 15-col 25, ln 23; and figs 1-21. It should be noted that the foam layer of the skin of Nagayama et al constitutes the claimed core layer. It should also be noted that the stampable sheet or light weight stampable sheet (thermoplastic resin film) of Nagayama et al constitutes the claimed reinforcement layer. In regard to claim 10, such is taught at col 17, lns 16-38. In regard to a decorative layer/skin being applied to one of the first and second sides of the sandwich, such is shown at figs 5 and 6. In regard to claim 28, it should be noted that the two-layered reinforcement is taught at col 13, lns 1-10. In regard to claim 29, such is taught at col 13, lns 1-10 and fig 4.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 24, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagayama et al (USPN 5854149). The above teachings of Nagayama et al are incorporated hereinafter. Nagayama et al, however, do not teach using the same foam material for both the core layer and the element; using material for the element having the claimed softening temperature; and applying heat from a heat press during the molding operation. In regard to using the same foam material for both the core layer and the element, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the same material for the core layer and element in order to ensure a proper bond between the layer and element. In regard to using material for the element having the claimed softening temperature, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an element having the claimed softening temperature in the process of Nagayama et al in order to form a high quality element. In regard to applying heat from a heat press during the molding operation, such is well-known in the molding art to apply heat to laminate layers. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply heat through the press in order to facilitate the laminating of the layers.

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5. Applicant's arguments with respect to claims 1,3,5, 7-12,20, and 22-29 have been considered but are moot in view of the new ground(s) of rejection.
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents show the state of the art: USPN 6375778; and JP 10338082 A.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianne can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE  
Primary Examiner.  
Art Unit 1732

EHL

  
2/10/07